

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE**

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

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WRIT PETITION NO : 10835 of 1995

Between:

Smt. Tumu Raghava W/o Venkatachalam, Yellavaram Village, Addateegala
Mandalam, East Godavari District.

..... PETITIONER

AND

- 1 The Mandal Revenue Officer, Addateegala Mandalam, Addateegala,
East Godavari District.
- 2 The Deputy Collector (Tribal Welfare), Rampachodavaram, East Godavari
District.
- 3 The Agent to Government, Kakinada, East Godavari District.
- 4 Govt of A.P., rep. by its Secretary, Department of Tribal Welfare,
Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or other appropriate writ, direction or order, calling for the records relating to CMA.No. 30/91 on the file of the Court of the Agent to Government, East Godavari, Kakinada, which was preferred against the Orders dated 19-02-1991, passed in L.T.R.P.No.68/90 on the file of the Deputy Collector (Tribal Welfare) East Godavari District, Rampachodavaram and set aside the same including the Judgment dated 18-04-1995 passed in the said appeal, as illegal, invalid, unconstitutional and without jurisdiction.

Counsel for the Petitioner : MR.A.H.RAMA KRISHNA RAO

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

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ORDER :

Heard learned Counsel for the parties.

Two Courts below have come to a conclusion that the petitioner was a non-tribal and the transfer had been effected in the year 1985 from one non-tribal to another non-tribal and therefore was null and void under Section 3(1) of the Andhra Pradesh (S.A) Land Transfer Regulation No.1 of 1955 as amended by Regulation I of 1970. This Court, in this Writ Petition, would not be in a position to appreciate whether the petitioner belong to a Scheduled Tribe or not, which has been conclusively decided by the Courts below.

Writ Petition is devoid of merit, which is accordingly dismissed. No order as to costs.

3rd February, 2005 BILAL NAZKI, J

ajr

To

- 1 The Mandal Revenue Officer, Addateegala Mandalam, Addateegala, East Godavari District.
- 2 The Deputy Collector (Tribal Welfare), Rampachodavaram, East Godavari District.
- 3 The Agent to Government, Kakinada, East Godavari District.
- 4 The Secretary, Government of A.P., Department of Tribal Welfare, Secretariat Buildings, Hyderabad.
- 5 Two C.Cs. to the GP for Revenue, High Court of A.P., Hyderabad (OUT)
- 6 Two C.D. copies.